Government of
Newfoundland and Labrador

DEPARTMENT OF JUSTICE

2004-05 Annual Report

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Transmittal Letter

December 8, 2005

Honourable Harvey Hodder, MHA
Speaker of the House of Assembly

Mr. Speaker,

I am pleased to submit the Annual Report 2004-05 for the Department of Justice. This Report details the activities and achievements of the third year of the Department of Justice Strategic Plan 2002-05.

Respectfully,

Thomas W. Marshall, Q.C.
Minister of Justice and
And Attorney General

The Department of Justice

Our Vision

A justice system that is accessible and understood, and which plays a key role in creating a fair, equitable and safe society where all people can pursue their lawful rights and freedoms

Our Mission

To provide superior public services in the effective and impartial administration of justice through co-ordination and collaboration

Overview

With more than 2000 employees (including the RCMP) working from over 50 locations throughout the Province, the Department of Justice is a large department and remains committed to the overall safety and protection of people in Newfoundland and Labrador.

Justice clients are diverse. They include the departments and central agencies of government, and the general public. The services provided to these clients are equally diverse calling for a departmental workforce with a variety of skills and expertise. In 2004-05, our dedicated and diverse workforce included lawyers, police officers, social workers, criminologists, psychologists, correctional officers, information technology specialists, administrators, financial managers, nurses and educators. With a relatively low degree of staff turnover, the Department of Justice offered its services through a stable and knowledgeable group of professionals with a strong corporate history.

As in previous years, Newfoundland and Labrador remained proud of the fact that the Province was one of the safest in which to live, work and raise a family in 2004-05.

In 2004-05, the total expenditures for the Department of Justice totalled $145,592,402. Related revenue for the year totalled $11,141,588.

Mandate

The mandate of the Department of Justice is based in the *Executive Council Act*. This mandate reflects the dual responsibilities of its Minister as both Minister of Justice and the Attorney General for Newfoundland and Labrador. While other Canadian jurisdictions have separate ministries for Justice and Attorney General, the structure is consolidated in Newfoundland and Labrador. The Ministry of Justice includes responsibility for administering the Province's legal system. The principal components include administration support for the courts, policing, corrections and secure youth justice services and victims services. Reflecting the role and authority of the Attorney General, the Department of Justice provides legal services to the Crown including legal advice to departments, litigation, prosecution and legislative drafting services.

Highlights

- Government's extensive legislative agenda in the House of Assembly meant that 2004-05 was a busy year for the Office of the Legislative Counsel. The House passed 106 Acts and 157 items of subordinate legislation were registered and published.

- The province's West Coast Correctional Centre was recommended for accreditation by Correctional Services Canada (CSC) for its delivery of federal offender programming. This is exceptional for a non-CSC facility.

- In its role in enforcing court orders for family support, the Support Enforcement Division collected more than $22 million in payments representing an increase of $360,000 from the previous year. A total of 74,579 payments were processed to those who were owed this support.

- The average number of youths in secure custody at the NL Youth Centre decreased to a daily average of 19 from the previous year's average of 27. This was also reflected in the RCMP's 5% reduction of youth charged through the use of alternative justice programs.

- The Police Studies Program was launched at Memorial University and will help deliver on Government's commitment to address the recruitment needs of the RNC and policing needs in the Province. The first class began its studies in September, 2004.

- In its commitment to improve justice responses to the most vulnerable in society, Government announced funding for a Child Victim/Witness Program.

- Through the Justice Minister's Committee on Violence Against Women, groundwork was laid for the development of family violence legislation by conducting research and community consultations.

Lines of Business

In fulfilling its mandate, the Department of Justice operates in several overall broad capacities:

- as a central agency of government
- as a direct provider of critical and diverse public services
- as an administrator of major societal institutions

The Department of Justice responsibilities are represented throughout the following distinct lines of business:

- ***Legislative Counsel*** is responsible for the review and drafting of legislation and statutes for the House of Assembly and for conducting reviews of government regulations as required.

- ***Policing Services*** are delivered through the Province's two policing agencies: the Royal Newfoundland Constabulary and the Royal Canadian Mounted Police. Both police forces are responsible for fostering and maintaining peaceful and safe communities through a full range of policing responses. The RCMP is responsible for approximately 60% of the province's population many of whom reside in rural and remote areas. The RNC's largest jurisdiction is the predominately urban northeast Avalon region.

- ***Court Services*** is responsible for providing infrastructure and administrative support to the Supreme and Provincial Courts.

- ***Corrections and Community Services*** has a dual client focus in delivering services to offenders as well as to victims of crime. It is responsible for the safe and secure custody of young and adult offenders; for providing adult community corrections (probation); and for providing services to victims of crime involved in the criminal justice system.

- ***Public Prosecutions*** is responsible for prosecuting all Criminal Code and provincial statute matters in the Province.

- ***Civil Law*** is responsible for providing legal services to Government departments and Government's agencies. This takes the form of providing legal opinions, drafting commercial and financial documents and representing Government and its agencies in negotiations and civil actions before administrative tribunals, all levels of court and judicial inquiries.

Shared Committments

The Department of Justice has a broad clientele with diverse needs and interests. In 2004-05, the Department of Justice both provided and supported leadership that engaged partners to achieve the best possible results in enhanced responses and protection for the people of Newfoundland and Labrador. Some of these involved broad government-wide initiatives while others involved more focused areas and approaches unique to Justice.

As the level of government often responsible for implementing the provisions of federal legislation, the Department of Justice remained actively involved in several federal-provincial-territorial committees working collaboratively on areas of common interest and concern in the areas of criminal and civil law. The development and implementation of the National Sex Offender Information Registry offers a good example of our shared committments.

In delivering on government's committment to access and transparency, the Department coordinated requirements related to the *Access to Information and Protection of Privacy Act*. The Department provided technical and training support to all government departments and designated public entities throughout the Province in preparing for the implementation of this legislation.

As a department with several of its sectors involved with addressing violence on a daily basis, Justice was an active member of the Violence Prevention Initiative's government-community partnership approach. A clear example of a Justice initiative that concretely demonstrates this collaboration in action is the new Justice Minister's Committee on Violence Against Women. Its first major undertaking involved research and consultations on civil family violence legislation.

Community policing, globalization, increased complexity and crime that crosses many geographical and jurisdictional boundaries requires a focus on shared committment in policing. The RNC and RCMP fostered and supported their relationships with diverse organizations. Examples included Memorial University of Newfoundland and Labrador, Aboriginal communities, Gendarmerie Nationale, the police service in St. Pierre et Miquelon, provincial schools, Citizens Crime Prevention Committee, anti-violence coalitions, health boards and the Canadian Mental Health Association.

The delivery of many correctional programs to offenders in the province relied heavily on partnerships with external resources. Provincially, the John Howard Society provided high caliber community programming to offenders. At the federal level, partnerships with Corrections Canada proved very worthwhile in enhancing correctional knowledge and services and overall capacity provincially.

Strategic Priorities and Outcomes

Strategic Priority # 1

Build a department that is a high performance organization fostered by a supportive culture.

The Department of Justice delivers services which can be critical for people in Newfoundland and Labrador. As one of the largest departments in government, there is a tremendous human resource effort on a daily basis in meeting public demand.

While the key strength of the Department is the talent, skill and dedication of staff, building a more supporting culture is important to maintain this strength.

Strategies are required which encourage constructive, timely and cross-functional communications, employee input and respectful work environments. Such a workplace will foster a continuous learning and improvement focus where innovation is valued.

Goal 1.1 Foster a supportive and responsive work environment

Objectives:

1.11 Develop and honour respectful workplace values at all levels within the Department

As a result of a joint effort by frontline staff and managers, a respectful workplace program was developed at the Newfoundland and Labrador Correctional Centre for Women in Clarenville.

Through a collaborative process involving staff at all levels at the RNC as well as external agencies, the RNC has developed A Working and Respectful Environment (AWARE) Program.

All Deputy Sheriffs in Court Security as well as the Information Technology Division held awareness sessions with staff on respectful workplaces.

The RCMP exceeded its training targets in delivering its cultural diversity training program "Aboriginal Perceptions" to members.

Goal 1.2 Become a department that follows best practices with respect to recruitment, employee development, retention and career and succession planning.

Objectives:

1.21 Assess recruitment and retention needs and practices.

Both police forces actively sought to ensure their ranks were more representative of the province's population.

The RCMP's focus on cultural diversity within its ranks was demonstrated through 10% increase in aboriginal recruit applications resulting in eight aboriginal cadets enrolled in a class of 33. 13% of Newfoundland and Labrador's frontline RCMP officers are now aboriginal members.

After a thorough assessment of human resource needs, the RNC began an active recruitment initiative that will see 75 new cadets join the ranks over the next three years. Within this recruitment drive, there was a particular focus on increasing the number of female applications. This was successful as the first class of cadets had a majority of female students.

1.22 Develop a succession planning process that respects the merit principle as well as collective agreements.

Through its new Personal Performance Development Plan, the RNC has improved the recruitment and promotional process for commissioned and non-commissioned officers.

1.23 Develop a continuous learning and development plan.

The focus on integrated and coordinated training was evidenced in the shared training initiatives involving the police, corrections and Sheriff's Officers as well as Victims Services and corrections staff.

In continuing its commitment to the province's Violence Prevention Initiative, the Department of Justice contributed to the Initiative's overall training resource with 16 facilitators for violence awareness training. Regional staff across all sectors participated in all regional training events.

In partnership with Memorial University of Newfoundland, the RNC developed the Diploma Program in Police Studies. This will enable the police force to focus on local and sustainable education and recruitment to best meet its needs. The new program, approved by the Senate which is the University's highest academic body, opened its doors for the first class in September 2004.

1.24 Develop a process that recognizes superior performance and effort of employees.

The RNC developed a new performance management system, "Personal Performance Development Plan". This will improve competency assessment, professional development, and will enhance objectivity and accountability in the performance review process.

Goal 1.3 Create a meaningful, effective and responsive communication culture that enables employees to share information to optimize success.

Objectives:

1.31 Plan to utilize technology more effectively.

With increasing costs for legal resources and other research materials, the Legal Information Management Division improved and updated the Intranet thereby improving both electronic access and content for staff.

The Sheriff's Office was involved in leading the design of an electronic registration system through a coordinated information sharing process to collect outstanding fees owed to government.

Enhanced security risk assessments can now be conducted as a result of the new information sharing model between enforcement and corrections systems.

Strategic Priority # 2

Develop an informed understanding of the Department's positive role in the community.

The Department of Justice is integral in creating a safe and secure society. The rights and freedoms of people are protected through our legal system. While not as visible as other more concrete public services, the maintenance of a civil society is a significant part of the public infrastructure.

A key factor in accessing any justice process or service is knowledge and understanding. The Department recognizes this need and value of informing citizens about the law and the role of the Department of Justice in delivering vital public services. A knowledgeable and well-informed staff is a cornerstone to a well-informed public.

Goal 2.1 Develop a proactive and coordinated approach to inform the public about the Justice system.

Objectives:

2.11 Establish a proactive public awareness and information process.

Through school visitation and liaison programs, as well as awareness sessions with community groups and service organizations, many Justice sectors including the Civil Division, Sheriff's Office, RNC, RCMP, Corrections, Victims Services, Courts and Prosecutions contributed to enhanced public awareness on a myriad of justice issues.

In an innovative community education approach, Victim Services opened part of its staff in-service training for community participation in coastal Labrador.

2.12 Enhance the Department's information tools so it can inform the public about the Department and its agencies, services, issues and its role in creating a safer society.

The Judgment Enforcement Registry proved to be an invaluable tool to the banking and business community in particular. In 2004-05, the number of searches increased to 52,121 from 47,232 in the previous year. Registered users of this database increased from 67 users in 2002 (first year) to 217 in 2003-04 and further increased to 249 in 2004-05.

The establishment of the Sex Offender Information Registry provides a valuable information sharing tool to support police in enhancing public safety.

Goal 2.2 Create an environment that supports active participation of staff in informing the public.

Objectives:

2.22 Support staff in participating in relevant committees and projects (internal and external to Justice and government) where their expertise and knowledge can enhance public understanding of Justice issues and services.

In addition to the activities identified previously under 2.11, Justice staff have also been involved in such initiatives as alternative measures committees, crime prevention committees, various committees associated with the Violence Prevention Initiative as well as the Model for Coordination of Services to Children and Youth. With a combined total of approximately 2000 staff, the volume and level of community involvement is significant.

Strategic Priority # 3

Construct an integrated approach to the administration of justice.

There are opportunities to achieve greater coordination and collaboration which will enable the Department of Justice to better meet existing needs. The needs of those requiring justice-related services have become so complex that maximizing knowledge and resources available through co-ordinated and integrated efforts will be vital.

Goal 3.1 Create a mechanism to increase inter-divisional co-ordination specifically armed at creating stronger links and improvements in policies and services.

Objectives:

3.11 Identify areas where integration is possible and beneficial.

3.12 Identify priorities for integration initiatives.

3.13 Establish multi-disciplinary and cross-sectoral approaches.

As a long-term partner in government's Violence Prevention Initiative, Minister Marshall established the Justice Minister's Committee on Violence Against Women. The Committee will work through a collaboration model to provide advice and coordinate improvements in the system's response. Upon Minister Marshall's direction, the Committee developed and implemented a research and consultation approach to assist the Department with civil family violence legislation for 2005-06.

The Department successfully integrated training programs where common interests and needs were identified by various Justice sectors.

The Department successfully integrated information sharing tools and protocols among various Justice sectors with common interests and requirements.

3.14 Determine the potential for information integration by consulting with Information Technology and Legal Information Management Services.

With the proclamation of the access provisions of the Access to Information and Protection of Privacy Act, the Legal Information Management Division developed a database to track all access requests.

Goal 3.2 Establish stronger federal-provincial relationships to maximize coordination around federal legislative developments and to ensure knowledge of and access to federal research initiatives and resources.

Objectives:

3.21 Ensure provincial representation on appropriate federal-provincial-Territorial initiatives.

3.22 Develop processes to improve access to federal information and resources.

In the interests of sound fiscal practice, Justice representation on various federal-provincial-territorial committees was based on priorities, relevance and implications.

Through involvement on the F-P-T Sex Offender Registry Committee, Newfoundland and Labrador was positioned for a coordinated implementation process with both police forces when the Registry was launched in December, 2004.

The delivery of the Province's Legal Aid Program is the result of federal-provincial partnership. The federal funding agreement expires in March, 2006 and discussions have begun for a new agreement with enhanced federal contribution.

Through cost sharing agreements between the Province and the federal government, adult and youth corrections received more than $4 million in federal revenue.

Goal 3.3 Establish a process to enhance inter-departmental coordination on justice-related issues.

Objectives:

3.31 Review current and potential areas between Justice and other departments.

3.32 Identify priorities for coordination.

3.32 Develop an inter-departmental team approach.

Significant studies occurred in service and policy coordination in 2004-05.

The Pre-Trial Services Program in Youth Corrections offered a multi-sectoral approach involving the Crown, Defense, the Department of Health and Community Services, community agencies, Youth Court and Youth Corrections secure services.

The establishment of the Justice Minister's Committee on Violence Against Women demonstrates an excellent example of the joint commitment among the Department of Justice, Women's Policy Office, and community agencies to collaboratively address issues of violence against women.

Victim Services actively worked to improve service coordination and awareness of victims issues between Corrections and Victims Services by organizing and supporting two separate joint training events.

In extending its coordination capacity, the RCMP signed an information and intelligence sharing protocol agreement with the Gendarmerie Nationale, the police service for St. Pierre and Miquelon. Subsequent joint activities included dive training, search and rescue exercises, joint patrols and underwater recovery training.

Strategic Priority # 4

Initiate innovative and alternative approaches to service delivery.

Alternative and less adversarial approaches to traditional justice methods and practices have gained national and international attention. There is a need to support innovative thinking and practice in this area, while maintaining public safety and well-being as paramount considerations.

Goal 4.2 Implement an alternative justice program.

The establishment of the Land Based Program at the Labrador Correctional Centre represented a significant innovative program development for aboriginal offenders. Through this program, traditional skills and values were learned and promoted in order to create greater linkages to aboriginal cultural practices.

The RCMP's Community Justice Forums significantly increased alternative approaches to justice. Referrals in the Labrador district increased from 14 in 2003-04 to 38 in 2004-05. On the Island, the First Nations Community of Conne River reported 10 referrals in 2004-05.

Opportunities and Challenges

The actual and future potential impact of Justice services and policies is greatly enhanced by our partnerships. Valuable relationships exist both formally and informally, as well as internally and externally. The ability of these partnerships to maximize their collective knowledge and effort creates significant opportunities for all partners. Sharing knowledge and resources will enable gains that are greater than the sum of all resources individually. Collaborative opportunities such as those presented through the establishment of the Court Advisory Board will help to ensure the Justice system is effective, efficient and accessible.

The ongoing development of electronic information tools such as the Judgment Enforcement Registry will continue to enhance public access and facilitate efficient information sharing for specific types of information. With Judgment Enforcement Registry searches increasing from 47,232 in 2003-2004 to 52,121 in 2004-2005, this high utilization rate bodes well for improved access.

Developments within the Department as well as those of a federal-provincial nature indicate greater opportunities for public protection and responses to vulnerable people. A commitment to enhanced policing, the launch of the Sex Offender Information Registry and the announcement of a new Child Victim Services Program, enhanced court security, as well as the Family Violence Legislation demonstrate clear commitments to improved public safety and protection.

The growing proportion of the client caseload and the members of the public having police involvement who also have serious drug addiction issues creates an increasing challenge. This appears to be driving large increases in police statistics in specific areas. For example, on the Eastern Avalon, the RNC reports robbery is up 92% from 2003-04 and break and enters is up by 33% (2184) from the previous year. These figures represent obvious challenges for policing, but also affect all other sectors in the system since the police represent the initial point of entry.

The Department's responsibility for administering the *Access to Information and Protection of Privacy Act* (ATIPP) and the operation of the ATIPP coordination office provides concrete opportunities to enhance access and transparency to the public. Through a consistent and coordinated approach, training and policy development is occurring across government, public bodies and with various segments of the public.

In recognizing the need for a diverse workplace that reflects the population it serves, the Department will have to further diversify its workforce. Corrections and the RCMP, for example, have identified the need to broaden aboriginal representation and have acted. The RNC focused significant efforts to increase female representation in its first class in the new Diploma Program in Police Studies resulting in a majority of female entrants. Continued efforts in this area will need to be maintained to enhance equity and build a workforce reflective of the province's population.

Finally, the Lamer Commission of Inquiry into the Administration of Justice is scheduled to release its report of findings and recommendations in the upcoming year. The response to the findings will create new opportunities to enhance public confidence in the Justice system. Commissioner Lamer's report is anticipated by December 31, 2005.

DEPARTMENT OF JUSTICE

STATEMENT OF EXPENDITURE AND RELATED REVENUE

FOR THE YEAR ENDED 31 MARCH 2005 (Unaudited)

		ESTIMATES	
	ACTUAL	AMENDED	ORIGINAL
1.1.01. Minister's Office	212,620	222,300	229,100
1.2.01. Executive Support	858,350	862,800	791,700
1.2.02. Administrative Support	2,575,021	2,633,100	2,292,600
Less Related Revenue	(193,636)	(59,700)	(59,700)
1.2.03. Legal Information Management	839,086	843,800	753,100
Less Related Revenue	(30,237)	(29,000)	(29,000)
1.2.04. Administrative Support (Capital)	1,134,744	1,186,000	861,400
1.3.01. Fines Administration	1,057,627	1,076,600	1,167,100
Less Related Revenue	(778,181)	(700,000)	(700,000)
2.1.01. Civil Law	5,784,114	6,017,100	6,707,600
Less Related Revenue	(50)	0	0
2.1.02. Sheriff's Office	2,337,962	2,344,900	2,242,600
2.1.03. Support Enforcement	1,214,783	1,235,800	1,161,400
Less Related Revenue	(688,876)	(361,500)	(361,500)
2.1.04. Freedom of Information	80,519	92,300	105,000
2.2.01. Criminal Law	4,413,371	4,458,100	4,473,800
2.3.01. Legal Aid and Related Services	7,738,475	7,738,500	7,721,200
Less Related Revenue	(2,493,849)	(2,549,300)	(2,549,300)
2.3.02. Commissions of Inquiry	2,871,345	2,953,200	4,001,000
2.3.03. Office of the Chief Medical Examiner	437,582	485,900	458,800
2.3.04. Human Rights	347,500	370,500	361,800
2.3.05. Electoral Districts Boundaries Commission	122,040	122,100	316,900
2.4.01. Legislative Counsel	380,652	384,900	433,900
3.1.01. Supreme Court	3,756,602	3,777,900	3,674,500
Less Related Revenue	(327,817)	(287,600)	(287,600)
3.1.02. Supreme Court Facilities (Capital)	1,940,062	1,940,200	1,973,200
3.2.01. Provincial Court	7,728,748	7,770,700	7,553,100
Less Related Revenue	(67,088)	(120,000)	(120,000)
4.1.01. Royal Newfoundland Constabulary	27,612,255	27,714,500	26,890,000
Less Related Revenue	(407,407)	(388,400)	(388,400)
4.1.02. Royal Canadian Mounted Police	43,240,179	43,241,400	41,958,400
4.1.03. Public Complaints Commission	250,224	253,000	191,600
4.2.01. Adult Corrections	22,246,615	22,586,500	22,562,400
Less Related Revenue	(2,982,554)	(3,742,500)	(3,742,500)
4.2.02. Youth Secure Custody	6,414,628	6,493,500	6,532,700
Less Related Revenue	(3,171,893)	(2,823,600)	(2,823,600)
Total Expenditures – Department of Justice	145,592,402	146,805,600	145,414,900
Total Related Revenue	(11,141,588)	(11,061,600)	(11,061,600)
Unaudited Actuals 2004 – 2005 Net	**133,450,814**	**135,744,000**	**134,353,300**

*Expenditure and revenue figures are based on the Public Accounts.